

## **Remarks**

Claims 1, 2, 7-12, 17-19 and 25 are pending and are under consideration.

Applicants thank the Examiner for removing all previously set forth rejections.

New rejections apply.

Claims 1, 2, 7 and 8 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 5 of Gupta, et al., U.S. Pat. No. 6,784,235 in view of Erdos, et al., U.S. Pat. No. 6,239,047.

Applicants submit herewith a Terminal Disclaimer over commonly owned U.S. Pat. No. 6,784,235.

The obviousness-type double patenting rejections are addressed and are overcome.

Claims 1, 2, 7-12, 17-19 and 25 are rejected under 35 USC 103(a) as being obvious over Gupta in view of Erdos.

Gupta has a U.S. filing date of May 3, 2001 and an issue date of August 31, 2004. The present application has a U.S. filing date of November 9, 2001. Thus, Gupta qualifies as prior art under 35 USC 102(e).

The presently claimed invention and U.S. Pat. No. 6,784,235 were, at the time the invention was made, entirely assigned to Ciba Specialty Chemicals Corp. or were subject to an obligation of assignment to Ciba Specialty Chemicals Corp.

The assignment of U.S. Pat. No. 6,784,235 was recorded in the USPTO August 9, 2001, reel/frame 012086/0623.

The assignment of the present application was recorded in the USPTO May 7, 2002, reel/frame 012881/0490.

The 35 USC 103(a) rejections as applied to 35 USC 102(e) are overcome as the present application and cited Gupta patent are commonly assigned to Ciba Specialty Chemicals Corp.

In view of the above statement, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

In view of the above discussion and the attached Terminal Disclaimer, Applicants submit that each of the claim rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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Attachment: Terminal Disclaimer over U.S. Pat. No. 6,784,235

Fee Letter